

1
2 **WAGANAKISING ODAWAK STATUTE**
3 **ODAWA HISTORICAL AND CULTURAL SITES STATUTE**
4

5
6 **SECTION I. PURPOSE**
7

8 The purpose of this Statute is to establish an Odawa Historic and Cultural Site Registry where
9 property sites are identified, designated and cataloged as historical and cultural sites. The
10 Odawa Historic and Cultural Site Registry helps preserve significant historic and cultural places
11 by recognizing this irreplaceable heritage while increasing and broadening the public's
12 understanding and appreciation of cultural and historic places.
13

14
15 **SECTION II. DEFINITIONS**
16

17 **A.** "LTBB" or "Tribe" means the Little Traverse Bay Bands of Odawa Indians.
18

19 **B.** "Reservation" means all lands within the boundaries of the reservations for the Little
20 Traverse Bay Bands of Odawa Indians as set out in Article I, paragraphs third and fourth of the
21 Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of
22 March 28, 1836, 7 Stat. 491, in the event that the 1836 reservation is determined to include lands
23 which are not included within the 1855 reservation, plus any lands outside of those boundaries
24 which are now or in the future declared to be Little Traverse Bay Bands of Odawa Indians
25 reservation by the U.S. Department of the Interior.
26

27 **C.** "Tribal Citizen" means an enrolled member of the Little Traverse Bay Bands of
28 Odawa Indians.
29

30 **D.** "Tribal Council" or "Council" means the elected body of the Little Traverse Bay
31 Bands of Odawa Indians to carry out legislative powers under Article VII of the Constitution.
32

33 **E.** "THPO" or "Office" means the Tribal Historic Preservation Office composed of the
34 Tribal Historic Preservation Officer and staff.
35

1 **SECTION III. NOMINATION PROCESS**
2

3 The Tribal Historic Preservation Office may accept a nomination of historic or cultural sites
4 directly from any person or agency for inclusion in the Odawa Historic and Cultural Site Registry,
5 provided that the nominated site is located within the Tribe’s Reservation.
6

7
8 **SECTION IV. DUTIES and AUTHORITY**
9

10 **A.** The Office shall have the following duties and authority:
11

- 12 **1.** To create and maintain an Odawa Historic and Cultural Site Registry that can be
13 published on the Tribal website.
- 14
15 **2.** To evaluate nominations of sites for inclusion in the Odawa Historic and Cultural
16 Site Registry.
- 17
18 **3.** To consult with Elders, Tribal Citizens and other experts as part of the assessment
19 process to determine suitability of a nominated site for inclusion in the Odawa Historic and
20 Cultural Site Registry.
- 21
22 **4.** Acquire reference materials, such as books, and other resources to determine
23 suitability of a nominated site for inclusion in the Odawa Historic and Cultural Site
24 Registry.
- 25
26 **5.** Develops policy, procedures and standards to maintain uniformity of the Odawa
27 Historic and Cultural Site Registry sites.
- 28
29 **6.** Preserve Odawa Historic and Cultural sites that are under the Tribe’s ownership or
30 control and assure that a site is not inadvertently demolished, substantially altered, or
31 allowed to deteriorate significantly.
32
33
34

35 **SECTION V. CRITERIA FOR DESIGNATION**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

A. The Office shall use the following criteria to determine the suitability of inclusion of a site in the Odawa Historic and Cultural Site Registry:

1. Significance in Odawa history, architecture, archeology, heritage, religion, engineering or culture.
2. Association with events that have made a significant contribution to the broad patterns of Odawa history;
3. Association with the lives of significant or historical Odawa persons;
4. Yielded or may be likely to yield, important information in Odawa history.

B. Such sites may include:

1. Cemeteries, birthplaces, or graves of historical figures;
2. Ceremonial sites;
3. Cultural or quality natural resources sites;
4. Historical landmarks or buildings.

SECTION VI. SITE REGISTRY

A. Upon receipt of a nomination of a site, the Office shall determine if site is suitable for inclusion in the Odawa Historic and Cultural Site Registry.

B. The Odawa Historic and Cultural Site Registry shall contain documentation on each site and shall provide a physical description of the place, information about its history or cultural significance, a bibliography, photographs, and maps, as appropriate.

1 **SECTION VII. PRIVATE PROPERTY**

2
3 Private property listed in the Odawa Historic and Cultural Site Registry does not place any
4 restrictions or requirements on a private property owner. The private landowner is not required to
5 maintain the property in any specific way.
6

7
8 **SECTION VIII. SEVERABILITY**

9
10 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason,
11 held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be
12 deemed a separate, distinct and independent provision and such holding shall not affect the validity
13 of the remaining portions thereof.
14

15
16 **SECTION IX. EFFECTIVE DATE**

17
18 Effective upon signature of the Executive or 30 days from Tribal Council approval whichever
19 comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.
20

21
22 **SECTION X. OTHER RELATED STATUTES**

23
24 See WOS 2014-013 Tribal Historic Preservation Office Protection and Management of
25 Archaeological, Historical, and Cultural Properties and Cultural Resources Statute, or as may be
26 amended.
27

28
29 **CERTIFICATION**